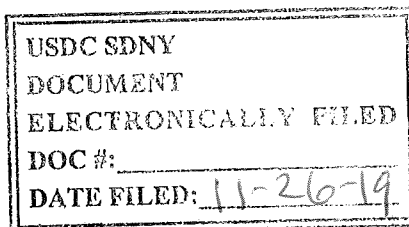


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



*to Petitioner +
Copies Mailed/Faxed emailed to
Chambers of Vincent L. Bricetti
Gov't
Counsel
11-26-19 DH*

-----X
SAUDY GUERRERO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.
-----X

ORDER

19 CV 4130 (VB)
14 CR 768-09 (VB)

By Order dated August 9, 2019, the Court, at the government's request, directed petitioner to return an executed "Attorney-Client Privilege Waiver (Informed Consent)" form by no later than October 11, 2019. The August 9 Order also directed the government to file an answer to the Section 2255 petition within 30 days of the docketing of the executed waiver and consent form. (Doc. #384 in 14cr768).

Petitioner complied with the August 9 Order by returning the executed waiver and consent form on September 6, 2019. The form was docketed on that date. (Doc. #387 in 14cr768). Therefore, the government's answer was due October 7, 2019. As of today, the government has not filed an answer, which is now more than one month past due.

This is the second time in this case that the government has missed a deadline without excuse or explanation. (See Doc. #380 in 14cr768).

Accordingly, it is **HEREBY ORDERED**:

1. By December 3, 2019, the government shall submit a letter explaining why it missed the deadline for filing an answer, and why it did not seek an extension before that deadline expired.
2. By December 17, 2019, the government shall file its answer to the 2255 petition.
3. Petitioner shall have thirty days from the date on which he is served with the government's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

To ensure that the government is notified of this Order, Chambers will email a copy of this Order to the Assistant U.S. Attorneys who have appeared in case no. 14cr768.

Chambers will also mail a copy of this Order to petitioner.

Dated: November 26, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge